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Human rights situations that require the Council's attention

Note verbale dated 25 July 2018 from the Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva addressed to the secretariat of the Human Rights Council

The Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organizations in Geneva presents its compliments to the secretariat of the Human Rights Council, and has the honour to attach herewith a letter from the Permanent Representative of the Syrian Arab Republic, dated 25 July 2018, addressed to the President of the Human Rights Council (see annex). The Permanent Mission kindly requests that the present note verbale and the annex thereto be translated into the official languages of the United Nations and circulated as a document of the thirty-eighth session of the Human Rights Council, under agenda item 4.

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Annex to note verbale, dated 25 July 2018, from the Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva addressed to the secretariat of the Human Rights Council

Letter from the Permanent Representative of the Syrian Arab Republic to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have been instructed by my Government to write to you concerning the reports of the Commission of Inquiry on the Syrian Arab Republic. The charges levelled against the Syrian Government have become stereotypes that are repeated at each session of the Council. While reaffirming our refusal to recognize the Commission, which was established and whose mandate was extended by politicized and non-consensual resolutions adopted by the Council without the consent of the State concerned, and our rejection of its reports, we wish to refute some of the charges made in the unofficial report issued in document A/HRC/38/CRP.3 concerning eastern Ghouta, and to clarify the inaccuracies and fabrications circulated by some Council members during its discussion in the Council.

I. The politically motivated charges contained in the report form part of systematic attempts to downplay the counter-terrorist action taken by the Syrian State and its allies to protect Syrian citizens from terrorist crimes, and to challenge the protection offered by the Syrian Government to its citizens. Notwithstanding the Commission's recent attempts to suggest formal improvements to its working methods, its working methodology remains legally flawed, since it is based on biased sources of information, unprofessional criteria for the evaluation of evidence, and charges based on unlawful evidentiary criteria, such as "likelihood and probability". In short, we and a number of States that vote against the resolutions concerning the Commission are firmly convinced that the main purpose of its existence is to serve the aims and objectives of the so-called "Syrian opposition" and the countries supporting it, and that it is entirely devoid of credibility and professionalism.

II. The report endeavoured to subvert the facts in addressing the situation of civilians in eastern Ghouta, selectively accepting the lies of a certain segment of the alleged witnesses, and basing its allegations on narratives fabricated and disseminated by non-governmental organizations (NGOs) that are linked to terrorist groups or to States that provide them with hundreds of millions of dollars, such as the terrorist White Helmets, and by other NGOs based in the United Kingdom and the United States of America, which are a major source of the Commission's reports and investigations. It has been revealed that the Israeli occupation authorities conspired with the United States, the United Kingdom, Germany and Jordan to help hundreds of terrorists from the "White Helmets" organization to flee from southern Syria. The organization, which is associated with the Al-Qaida terrorist organization, plays a pivotal role in distorting and subverting the facts, out of fear that regional and international bodies will expose its role in the dissemination and promotion of fabricated and false videos, especially those related to allegations of the use of chemical weapons.

III. The involvement of the International Commission of Inquiry yet again in investigations of the alleged use of chemical weapons constitutes a serious legal error, since such action falls outside the Commission's field of competence and exceeds its mandate. Moreover, it is not technically qualified to investigate such issues or to assess any of the related evidence.

IV. The allegations in the aforementioned report concerning the forced displacement and internment in shelters of persons fleeing from eastern Ghouta are closely linked to the charges made by the States that sponsor the work of the International Commission of Inquiry and are inaccurate and lacking in objectivity. The allegations contradict the facts, namely that the Syrian State attended to the needs and provided shelters for tens of thousands of its citizens who were displaced from eastern Ghouta. They completely ignore

the security conditions resulting from the deviant circumstances created by the presence of armed terrorist groups in eastern Ghouta and the State's responsibility to safeguard and protect the security of its citizens. They also ignore the fact that the persons who left for northern Syria did so voluntarily after refusing to hand over their weapons and resolve their situation. We note that, instead of commending the Syrian State for its leniency vis-à-vis those who bear arms against it, the Commission remains entirely blind to the practices of the terrorists and murderers and their supporters.

V. The allegations in the report concerning the siege of eastern Ghouta have been repudiated by the testimony of residents following their liberation from the terrorists. The warehouses that were discovered after the liberation of eastern Ghouta from the terrorists were full of relief supplies that had been withheld from the residents. This confirms that the terrorists prevented the delivery of humanitarian aid to the beneficiaries and monopolized it. It also belies the discrepancy in the report, which acknowledged the existence of major entry and exit points for goods from eastern Ghouta during previous years.

VI. The lies disseminated by some delegations concerning Act No. 10 and its alleged use as a tool to confiscate the property of refugees and displaced persons form part of a fabricated campaign that ignores the provisions of the Act, the clarifications provided by the Syrian Government, and its repeated assertions that private property is protected by article 15 of the Syrian Constitution and that no Syrian legislator at any level can deprive citizens of their movable or immovable property. With a view to clarifying the facts and refuting the lies that some countries continue to circulate, the Syrian Government submitted written responses to all inquiries and questions raised by the United Nations and its Country Team working in the Syrian Arab Republic regarding Act No. 10 and provided all relevant clarifications.

VII. The reports of the International Commission of Inquiry continue to be highly politicized and selective in order to avoid assigning responsibility to the regimes of Saudi Arabia, Qatar, Turkey, the United States, France and the United Kingdom for the crimes committed by terrorist groups supported by those countries. They continue to ignore the crimes committed by the illegal coalition led by the United States and by the Turkish regime on Syrian territory. The scorched earth policy and massive destruction caused by the United States and its allies in the city of Raqqa, the destruction of its civilian facilities and services, the displacement and killing of thousands of civilians, and the crimes and aggression of the Turkish regime, which have caused the displacement of tens of thousands of civilians in Afrin and other Syrian regions, constitute war crimes and crimes against humanity that should be highlighted by the Commission's investigations and reports. It is deplorable in this context that the Commission, in its report on eastern Ghouta, is content to reproduce the narrative concerning the Anglo-French tripartite military aggression on Syrian territory, and refrains from providing a clear legal account of the event, although it is a prototypical example of unlawful action undertaken unilaterally outside the framework of the United Nations.

The Human Rights Council continues to adopt a politicized and selective approach to the situation in the Syrian Arab Republic and continues to rely on the reports of the Commission, whose mandate and working methods are governed by a handful of States and imposed members, as the basis for its politicized and non-consensual resolutions. As a result, the Council's discussions and resolutions have served as a means of prolonging the crisis in Syria and obstructing efforts to eliminate terrorism and to conduct a Syrian-Syrian dialogue that enables the Syrians themselves to determine the future of their country. The Syrian Arab Republic therefore reiterates its request to the Council to dissolve such commissions and to establish rules aimed at preventing the exploitation of such mechanisms to serve clearly discernible policies and interests, to the detriment of the Council's reputation and credibility.

I kindly request that this note verbale be circulated as an official document of the thirty-eighth session of the Human Rights Council under agenda item 4.

Hussam Edin **Aala**
Ambassador and Permanent Representative